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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 STEPHEN THOMAS PARSHALL,
12 a.k.a. "Kiwi,"

13 Defendant.

14 Case No.: 2:20-CR-00308-JAD-DJA

15 **Government Disclosure Statement**

16 On November 25, 2020, pursuant to Local Criminal Rule 16-1(b)(2), Bianca R.
17 Pucci, Assistant United States Attorney, contacted Robert M Draskovich , Jr, Esq., counsel
18 of record for defendant STEPHEN THOMAS PARSHALL, to discuss scheduling of
19 discovery in the instant case. The Government agrees to provide discovery in this case as
follows:

20 **Discovery Schedule**

21 A. The Government has provided or will provide or permit the defendant to inspect
22 and copy or photograph:

- 1 (1) All statements, documents, and objects, including audio or video
2 recordings, required to be disclosed under Federal Rules of Criminal
3 Procedure 16(a)(1)(A)-(F).
- 4 (2) All search warrants and supporting affidavits, which relate to
5 evidence that may be offered at trial.
- 6 (3) The Government will provide expert disclosures as required under
7 Federal Rule of Criminal Procedure 16(a)(1)(G).
- 8 (4) To date, the Government has made the following disclosures:
 - 9 a. LVMPD Arrest Report (Terrorism) (000001-000007);
 - 10 b. LVMPD Forensic Exam Report (000008-000017);
 - 11 c. Search Warrant Digital Storage Devices for CP (000018-000136);
 - 12 d. Forensic Exam Report (000137-000142);
 - 13 e. Officer's Report, Forensic Findings) (000143-000147);
 - 14 f. CPS Referral Summary (000148-000152);
 - 15 g. Transcript – I.O. (000153-000267);
 - 16 h. Transcript – A.O. (000278-000284);
 - 17 i. Transcript – S.O. (000285-000309);
 - 18 j. Transcript – C.O. (000310-000324);
 - 19 k. Transcript – Veronica O. (000325-000353);
 - 20 l. FBI Opening Communication (000354-000355);
 - 21 m. FD-302 Interview Notes on I.O. (000356-000357);
 - 22 n. FBI Veronica O. (000358-000369);
 - 23 o. Interview Notes on Veronica O. (000370);
 - 24 p. Evidence Sheets (000371-000387);
 - q. FBI Evidence (000388-000391);
 - r. Receipts (000392-000393);
 - s. Consent (000394-000395);
 - t. FBI Preservation Requests (000396-000410);
 - u. FBI Identification of Phillip Merrill (000411-000413);
 - v. LVMPD Declaration of Warrant (000414-000423);
 - w. Request for Prosecution (000424-000425);
 - x. 302 Review of Chats with M.B. (000426-000429);
 - y. Whisper (000430-000440);
 - z. Kik (000441-000488);
 - aa. 302 – Interview of M.B. (000489);
 - bb. 302 – Review of Electronic Items Seized from 2260 Brenda Lane (000490-000494);
 - cc. Tumblr (000495-000506);

1 dd. DMV Parshall (000507-000511);
2 ee. Declaration of Arrest (000512-000521);
3 ff. Kik Subscriber Data (000522-000525);
4 gg. Kik Chats (000526-000592);
5 hh. NCIC – M.B. (000593-000600);
6 ii. NCJIS – Parshall (000601-000603);
7 jj. NCJIS Warrant (000604-000605);
8 kk. Kik Subscriber ixxxxxxb (000606-000607);
9 ll. 1B16 – Supplemental Review (000608-000609);
10 mm. 1B55 – Supplemental Review (000610-000611);
11 nn. 302 - Interview of M.B. (000612-000613);
12 oo. Tumblr Cyber Tip (000614-000615);
13 pp. Tumblr Search Warrant (000616-000619);
14 qq. Kik Search Warrant (000620-000678);
15 rr. Conversations (000679);
16 ss. Medical Records (000680-000705);
17 tt. Subpoenas (000706-000789);
18 uu. Tumblr Search Warrant (000790-000829) and
19 vv. Kik Motion to Unseal (000830-000831).

20

21 B. Pursuant to pursuant to the Adam Walsh Act, 18 U.S.C. § 3509(m), the forensic
22 and digital evidence containing child pornography is available for defense counsel
23 and their expert(s) review at the Internet Crimes Against Children Task Force of the
24 Las Vegas Metropolitan Police Department.

25 C. The Government is unaware of any exculpatory information. The Government will
26 provide any subsequently discovered exculpatory information reasonably promptly
27 upon its discovery. The Government will provide impeachment information relating
28 to government witnesses who will testify at a pre-trial hearing, trial, or sentencing
29 sufficiently in advance of the hearing, trial, or sentencing to allow the hearing, trial,
30 or sentencing to proceed efficiently.

31 D. The Government hereby makes any and all demands for reciprocal disclosures from
32 the defendant under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3, and 16,
33 including but not limited to the following, to be provided prior to trial:

- 1 (1) All documents, objects, and reports of examination required under
- 2 Federal Rules of Criminal Procedure 16(b)(1)(A) and (B).
- 3 (2) All expert disclosures required under Federal Rule of Criminal
- 4 Procedure 16(b)(1)(C).
- 5 (3) All notices of any defenses under Federal Rule of Criminal Procedure
- 6 12.1.
- 7 (4) Any summaries, charts, or calculations the defense intends to offer at
- 8 trial.

9 E. The Government will no later than 5 days before trial or at such subsequent time as
10 the Government learns any of the following information:

- 11 (1) Disclose any summaries, charts, or calculations the Government
12 intends to offer at trial.
- 13 (2) Identify recordings, transcripts of recordings, or portions thereof the
14 Government intends to offer at trial.
- 15 (3) Disclose any reports or memoranda of interviews of witnesses the
16 Government intends to call in its case in chief.
- 17 (4) Disclose any statements of witnesses under Title 18, United States
18 Code, Section 3500.

19 F. If the Government withholds the disclosure of items subject to discovery under
20 Federal Rule of Criminal Procedure 16 or case law or statute, it will either: (1)
21 provide notice to the defense of its intent to withhold disclosure and describe the
22 nature of the item and the basis for withholding disclosure; or (2) submit in camera
23 a motion to the court for a protective order describing the nature of the item, the
24 basis for withholding disclosure, and the need for in camera review and any sealing

1 of the record. The Government requests that, if the defendant withholds the
2 disclosure of any such item(s), it provide such notice to the Government.
3 The disclosures and reciprocal disclosures set forth above apply to those objects,
4 documents, items, and other disclosure matters that are in the possession, custody,
5 or control of the parties at the time the obligation to disclose arises. The
6 Government recognizes that it has a continuing duty to provide disclosures up to
7 and through trial as to any matters required to be disclosed by statute, rule, or the
8 United States Constitution. Nothing in this statement is intended to create any
9 rights for the defendant or in any way restrict or expand the remedies available to
10 the Court for any breach of any disclosure obligations.

11
12 The Government holds itself available to make good faith efforts to confer with
13 defense counsel to resolve informally any dispute over the scope, manner, and
14 method of disclosures before seeking relief from the Court.

15
16 DATED: November 30, 2020

17 NICHOLAS A. TRUTANICH
18 United States Attorney
19 District of Nevada

20 _____/s/
21 Bianca R. Pucci
22 Assistant United States Attorney
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